

REMARKS/ARGUMENTS

As explained more fully below, Applicant has amended independent Claims 1 and 16 for clarification and to further distinguish the cited references. Claims 3, 4, 18, 19, and 23-28 have been canceled, and Claims 29 and 30 have been added. Therefore, in light of the amended claims and subsequent remarks, Applicant respectfully requests reconsideration and allowance of the claims.

In the Office Action, the Examiner continues to reject Claims 1, 2, 4-6, 9, 10, 16, 17, 19, 21, and 22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,031,857 to MacConochie et al. The Examiner also maintains his rejection of Claims 1, 2, 4-6, 8-10, 16, 17, 19, 21, and 22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,842,218 to Groutage in view of U.S. Patent No. 5,992,796 to Smith. The Examiner further rejects several of the dependent claims with a combination of Groutage, Smith, and other secondary sources.

In applicant's previous response, independent Claims 1 and 16 were amended to recite that the wing member is pivotable by the wing actuator from a stationary position substantially aligned with the fuselage member at less than transonic speed during flight while the engine is not initiated. The Examiner finds that this particular "wherein clause" carries no patentable weight and is disclosed by both MacConochie and the combination of Groutage and Smith.

Although Applicant respectfully disagrees with the rejections, Claims 1 and 16 have been amended in order to further patentably distinguish the cited references. In particular, Claims 1 and 16 have been amended to recite that the oblique wing member is pivotally connected to the fuselage member on a lower surface of the fuselage member, wherein the wing member comprises a chord length that is less than a diameter of the fuselage member.

In contrast, **MacConochie, Groutage, and Smith all disclose that the wing is mounted on the upper surface of the fuselage.** Although the Examiner relies on Chen as disclosing that mounting wings on the lower surface of the fuselage is allegedly well known, it is noted that MacConochie, Groutage, and Smith do not disclose such a configuration, and **Chen only discloses scissor wings**, i.e., wings on both the upper and lower surfaces or on both sides of the fuselage. Therefore, Applicant fails to see the motivation to modify MacConochie and Groutage to include an oblique wing on the lower surface of the fuselage. In addition, the booster of

MacConochie would be incapable of landing if the wing was mounted on its lower surface. And, Groutage nowhere discloses the ability to obtain transonic speeds and only provides a wing that is perpendicular to the fuselage during flight such that there is no motivation to even modify Groutage to include an oblique wing on the lower surface of the fuselage that is configured to pivot to a predetermined sweep angle of less than 90 degrees at transonic speed during flight.

In addition, **Groutage specifically discloses** on col. 3, lines 45-50 “that the single pivotable wing **40** has a **cord dimension that is substantially equal to the diameter of the fuselage** of the aircraft **26** and that the wing **40** in its captive carry position as illustrated in FIG. 2 is positioned within the recessed area **38** of the fuselage” (emphasis added). Thus, Groutage clearly does not disclose that the chord length is less than the diameter of the fuselage and there is no motivation to modify the chord length. In fact, Groutage discloses the advantages of a large cord design and in the Background, Groutage discloses the disadvantages of wings having chords of about half the diameter of the fuselage (see col. 1, lines 27-30). Therefore, there is no motivation to modify Groutage with any of the other cited references that may disclose wings having a chord length less than a diameter of the fuselage, as **Groutage teaches away from such a modification.**

As a result, Applicant submits that the rejections of Claims 1 and 16 under §§102(b) and 103(a) are overcome. Because the dependent claims include recitations of independent Claims 1 and 16, respectively, Applicant submits that each of the dependent claims are distinguishable from the cited references for at least the same reasons applicable to the independent claims.

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CONCLUSION

In view of the amended claims and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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